

ATTACHMENT D

STATEMENT OF OVERRIDING CONSIDERATIONS

ADOPTED BY THE DIRECTOR OF THE COUNTY OF SAN DIEGO SOLID WASTE LOCAL ENFORCEMENT AGENCY FOR THE SOLID WASTE FACILITY PERMIT FOR THE GREGORY CANYON LANDFILL

The Findings required under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 and following) and the CEQA Guidelines (California Code of Regulations, title 14, section 15000 and following) supporting the approval of the solid waste facility permit (SWFP) for the Gregory Canyon Landfill state that the approval of the SWFP could result in significant impacts that cannot be substantially lessened or avoided. Despite these impacts, the Director of the County of San Diego Solid Waste Local Enforcement Agency chooses to approve the SWFP on the basis that specific economic, social and other benefits of the landfill outweigh and override these significant and unavoidable impacts.

Each of the reasons for approval cited below is a separate and independent basis that justifies approval of the landfill project. Thus, even if a court were to set aside any particular reason or reasons, the Director hereby finds that he would stand by his determination that each reason, or any combination of reasons, is a sufficient basis for approving the SWFP for the landfill irrespective of the significant and unavoidable impacts that may occur. The substantial evidence supporting the benefits can be found in the Gregory Canyon Landfill Benefits Analysis, October 2003; the Integrated Waste Management Plan, Countywide Siting Element adopted in 1996; the Integrated Waste Management Plan, Countywide Siting Element, 2003 Amendment, Final Draft, Revised 12/08/2003; and other documents and information in the Record of Proceedings.

1. The Gregory Canyon Landfill will assist the County in meeting its obligation to have a minimum of 15 years of combined permitted solid waste disposal capacity.

California Code of Regulations, title 14, section 18755(a) states as follows regarding the Siting Element of County Integrated Waste Management Plans: "The Siting Element shall demonstrate that there is a countywide or region wide minimum of 15 years of combined permitted disposal capacity through existing or planned solid waste disposal and transformation facilities or through additional strategies." The Gregory Canyon Landfill will add landfill capacity to the solid waste disposal system in the County and assist in meeting this Siting Element requirement. See Figure 3.1 in the Integrated Waste Management Plan, Countywide Siting Element, 2003 Amendment, Final Draft, Revised 12/08/2003 (Draft Siting Element); and Benefits Analysis, page 14.

2. The Gregory Canyon Landfill would implement Policy 2.2 of the draft Countywide Siting Element.

Policy 2.2 of the Draft Siting Element states, "Extend and/or expand in-county capacity as feasible." The Gregory Canyon Landfill will add landfill capacity to the solid waste disposal system in the County and, as such, would implement Policy 2.2 of the Draft Siting Element.

3. The Gregory Canyon Landfill will help to implement the policy in the current Siting Element to provide sufficient disposal capacity in the County without relying on the exportation waste out of the County.

The current Siting Element (part of the Integrated Waste Management Plan the County adopted in 1996) states, "It is the County's policy to provide disposal capacity within the County, without reliance on export of waste." See Benefits Analysis, page 55. The Gregory Canyon Landfill will help the County implement this policy by providing new landfill capacity in the County and, thus, reduce the need to export solid waste out of the County for disposal. The Gregory Canyon Landfill will increase the solid waste disposal capacity in the County, thus expanding an important part of the infrastructure in the County. See Benefits Analysis, pages 9 and 10.

4. The Gregory Canyon Landfill will add landfill capacity in the North County.

In 1999 approximately 24% of the solid waste generated in the County was generated in North County. See Benefits Analysis, p. 11. Assuming this percentage remains constant, the North County will generate approximately 1,480,000 tons of solid waste annually by 2017. However, the major landfills in the County, Miramar Landfill, Sycamore Landfill and Otay Landfill, are all located in central and south County. See draft Siting Element, page SE 14, Figure 4.1. The Gregory Canyon Landfill will be the only major landfill located in North County, a region that generates a substantial portion of the solid waste in the County. See Benefits Analysis, page 6, Exhibit 2-1 and pages 10, 15, 28, 32, 54 and 55; and Draft Siting Element, pages SE 40 and 41.

5. The Gregory Canyon Landfill will help the County meet its obligation to select areas where solid waste disposal facilities are proposed for the purpose of meeting the required minimum 15 years of combined permitted disposal capacity.

California Code of Regulations, title 14, section 18755.3(c) states in part regarding the Siting Element, "Area(s) shall be selected where solid waste disposal facilities are envisioned to be expanded or sited and constructed for the purpose of meeting the required minimum of 15 years of combined permitted disposal capacity." The Gregory Canyon Landfill is consistent with and implements this Siting Element requirement. See Draft Siting Element, page SE 39.